

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1877

United States of America,

Appellee,

v.

Lamar Clark, also known as Gully,

Appellant.

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Appeal from the United States
District Court for the District
of Nebraska.

[UNPUBLISHED]

Submitted: October 29, 2001

Filed: November 7, 2001

Before LOKEN, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Having pleaded guilty to conspiring to distribute cocaine base, Lamar Clark appeals the sentence imposed by the district court. Clark's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), in which he argues the court should have granted Clark's U.S.S.G. § 5K2.0 downward-departure motion. Clark has not filed a pro se supplemental brief.

Having carefully reviewed the record, we conclude the issue raised by counsel is unreviewable because the district court was aware of its authority to depart from the Guidelines. See United States v. Lim, 235 F.3d 382, 385 (8th Cir. 2000). Having

found no nonfrivolous issues for appeal after reviewing the record independently in accordance with Penson v. Ohio, 488 U.S. 75 (1988), we affirm the judgment of the district court, and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.